

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DAVID C. STEINMETZ and U.S. POSTAL SERVICE,
POST OFFICE, Chippewa Falls, WI

*Docket No. 99-656; Submitted on the Record;
Issued August 7, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained a right hip injury and a rotator cuff injury in the performance of duty causally related to factors of his employment.

On August 7, 1998 appellant, then a 40-year-old letter carrier, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that he sustained "inflammation of right hip and irr[i]tate[d] rotator cu[ff]" causally related to his employment. On the reverse of his CA-2 form appellant indicated that he first became aware of his illness or disease on September 1, 1995 and that it was aggravated by his employment on July 7, 1998. He noted that he first received medical attention on July 27, 1998 from Dr. Jay D. Loftsgaarden, Board-certified in physical medicine and rehabilitation at Midelfort Clinic and that he was last exposed to conditions alleged to have caused his disease or illness on August 7, 1998. In explaining why appellant came to the realization that his condition was related to his employment, he stated that he was having lots of problems and this required him visiting several doctors before his problem was located. Also on appellant's CA-2 form he indicated that he notified his supervisor of his condition on August 7, 1998. Alan J. Bishop, appellant's supervisor, stated:

"As background, [appellant] has been experiencing aches and pains over the last two years. Not knowing what it was or its cause, he has seen a number of doctors over the last two years. On July 27[, 1998] he went to see a Dr. Loftsgaarden at the Midelfort Clinic in Eau Claire, [Wisconsin]. [He] supplied [appellant] with a slip ... stating the he should do 'No walking with [a] mailbag. Should use cane for all walking until next recheck in three w[ee]ks. At that point there was no determination as to w[h]ether or not this was an on or off[-]the[-]job injury. The next day [Dr. Loftsgaarden] spoke with the other [s]upervisor in our office, Joanne Crapisi. During their conversation [he] clarified his statement in his note saying that [appellant] did not have to use his cane when walking short distances

but only for longer distances, he also said that [appellant] would be able to deliver to mounted boxes and also case mail in the office with no restrictions.

“On Thursday, August 6[, 1998] [appellant] told me that his doctor had called him and told him that his condition was definitely related to his job. I again asked for some paperwork from his doctor and have tried to contact him several times myself but have been unable to talk with him. I will send more information as I receive it, for now I am treating this as a limited[-]duty case and have made a modified job offer to [appellant] which has been accepted....

“The only other information that may be pertinent is that [appellant] works at a second job driving a cement truck for a local company. When I asked [appellant] about this he told me that his doctor had been made aware of this other job but had not placed any restrictions on him regarding it....”

By letter dated September 8, 1998, the Office advised appellant and the employing establishment that additional information was required to support his claim and requested a detailed description of the employment factors to which appellant attributed to his condition.

In response to the Office’s request, appellant submitted his application for employment and other personnel paperwork. He did not submit any comprehensive narrative medical reports describing his condition.

By decision dated November 12, 1998, the Office denied appellant’s claim for failure to submit sufficient medical evidence necessary to support his claim.

The Board finds that appellant has failed to establish that he sustained a right hip injury or rotator cuff injury in the performance of duty as alleged.

An employee seeking benefits under the Federal Employees’ Compensation Act has the burden of establishing the essential elements of his or her claim including the fact that the individual is an “employee of the United States” within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.¹ These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.²

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the

¹ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

² *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990).

employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.³

Appellant alleged that his hip and shoulder injuries were due to years of carrying a mailbag. However, the evidence submitted in support of his claim does not include any medical evidence diagnosing his condition. The only medical evidence appellant submitted in support of his claim was a prescription slip from Dr. Loftsgaarden. Appellant also submitted his application for employment with the employing establishment and other personnel paperwork. None of these documents constitute medical evidence in support of appellant's claim that his alleged employment factors caused a shoulder or hip injury. Therefore, appellant did not submit sufficient medical evidence to establish that he sustained a right hip or rotator cuff injury in the performance of duty causally related to factors of his employment.

The decision of the Office of Workers' Compensation Programs dated November 12, 1998 is affirmed.

Dated, Washington, D.C.
August 7, 2000

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

³ *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).